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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DEAN KELLUM LOUER,

Defendant and Appellant.

2d Crim. No. B270702  
(Super. Ct. No. 2015026365)  
(Ventura County)

Dean Kellum Louer appeals a judgment following his conviction of driving under the influence of alcohol causing bodily injury (count 1), and driving with a 0.08 percent blood alcohol content causing bodily injury (count 2), with findings that he personally inflicted great bodily injury upon his victim. (Veh. Code, § 23153, subds. (a) & (b); Pen. Code, § 12022.7, subd. (a).)<sup>1</sup>

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<sup>1</sup> All further statutory references are to the Penal Code unless stated otherwise.

At a jury trial, the prosecutor presented evidence that on August 18, 2015, Louer and his coworker Jacob Ponce Dominguez consumed alcohol and then traveled on the freeway in their employer's truck. Dominguez drove and Louer was the passenger. When the two men began to argue, Dominguez drove the truck to the freeway shoulder. He left the truck, walked behind it, and telephoned his supervisor. Louer moved into the driver's seat, shifted the gears into reverse, and struck Dominguez, causing him serious bodily injuries. Other motorists saw the incident. When detained by investigating police officers, Louer failed field sobriety tests. Later analysis revealed he had a 0.183 percent blood alcohol content.

The jury convicted Louer of driving under the influence of alcohol causing bodily injury (count 1), and driving with a 0.08 percent blood alcohol content causing bodily injury (count 2). (Veh. Code, § 23153, subds. (a) & (b).) It also found that in committing the crime, he personally inflicted great bodily injury upon Dominguez. (§ 12022.7, subd. (a).)

The court sentenced Louer to a prison sentence of four years four months, consisting of a 16-month term for count 1 plus three years for the great bodily injury enhancement. The court imposed but stayed sentence for count 2, pursuant to section 654. The court also imposed a \$750 restitution fine, a \$750 parole revocation restitution fine (suspended), an \$80 court

security assessment, and a \$60 criminal conviction assessment, among other fines; ordered victim restitution; and awarded Louer 162 days of presentence custody credit. (§§ 1202.4, subd. (b), 1202.45, 1465.8, subd. (a); Gov. Code, § 70373.)

We appointed counsel to represent Louer in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On August 23, 2016, we advised Louer that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

We have reviewed the entire record and are satisfied that Louer's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

PERREN, J.

TANGEMAN, J.

John Nguyen, Judge  
Superior Court County of Ventura

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Donna Ford, under appointment by the Court of  
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.